

APPLICANTS: Isaac S. Kohane et al.
SERIAL NO.: 10/743,518
EXAMINER: T. Truong
ART UNIT: 2135
Page 2 of 5

REMARKS/ARGUMENTS

The claims have not been amended as Applicants submit that the pending claims presently define patentable subject matter. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejections.

Applicants' Invention

Applicants' invention is directed to a system and method for maintaining confidential records of an individual on a network, which generally includes encrypting then storing confidential records on a record server, and accessing the confidential records. The encrypted confidential records are accessible through a defined gateway system, which may be accessed at individual servers, such as personal computers. Accordingly, a centralized record server, such as a stand-alone computer, is maintained to store the records of an individual.

The record server is a conventional computer system capable of operating as a website, communicating according to hypertext transfer protocol (HTTP), processing universal resource locators (URLS), and maintaining web pages in memory. The record server can also receive files over the network and store such files in local or remote storage. Advantageously, the invention permits agents to access records from the record server using any agent system connected to the network upon presenting proper credentials. For example, a patient can access his or her medical record or an investor can access his or her financial record from the record server using a computer system at the place of business, at home, from out of town, or in transit over a wireless link.

Cited Prior Art

U.S. Patent No. 5,899,998 (McGauley et al.)

The McGauley patent is directed to a method and system for maintaining and updating computerized medical records and includes a distributed database network architecture in which

a plurality of portable data carriers (PDC) and point of service stations (POS) interact to maintain the currency of medical records of a plurality of patients. The portable data carrier of the McGauley patent is a microprocessor integrated circuit chip card, commonly known as a smart card. The card serves as a data storage device on which patients carry a copy of their own medical record.

A stated advantage of the invention of McGauley is that, "each patient carries their own medical record with them to each POS site, thus resolving the issue of timely and efficient access to data. ... Besides serving as data memory sites, the PDCs also serve as one of the main communications link between POS stations." (McGauley, column 3, lines 12-18.) It is further stated, "One of the key concepts of this invention is the establishment of a network of truly independent databases, which are connected by 'virtual' communication systems and are automatically modified and kept current, without accessing a masterfile. This concept is made functional by combining PDCs, which are both independent databases and 'off-line' communications channels with independent POS stations and administrative services systems, all utilizing flexible and unique computer tools and rules." (McGauley column 4, lines 57-65.)

U.S. Patent No. 6,148,342 (Ho)

The Ho patent discloses a secure database management system for confidential records.

U.S. Patent No. 6,272,468 (Melrose)

The Melrose patent discloses a real-time interactive physiological model of the human body and associated patient records available via the internet.

Rejections Under 35 U.S.C. § 102

Reconsideration is requested of the rejections of claims 1-7 and 11-18 as anticipated by McGauley. Anticipation under 35 U.S.C. § 102 requires each and every limitation of the claim to be disclosed in a single prior art reference, either expressly or inherently. The anticipating

reference must disclose the elements in the arrangement called for by the claim. If any limitation of the claim is missing, the reference does not anticipate.

McGauley fails to disclose, “a publicly accessible record server ... for storing confidential records,” as recited in independent claims 1 and 17.

The Computer Desktop Encyclopedia defines a server as, “[a] computer in a network shared by multiple users” (copy attached). Applicants discuss servers contemplated in the present invention on page 11, lines 12-16 of the application, and state, “each server system 18 is a conventional computer system capable of operating as a web site, communicating according to hypertext transfer protocol (HTTP), processing universal resource locatore (URLs), and maintaining web pages in memory.”

McGauley does not disclose a publicly accessible server as a computer in a network shared by multiple users is not contemplated by McGauley for record storage. McGauley instead relies on the use of PDCs, i.e., smart cards, for storage, which are only accessible by the individual.

More specifically, McGauley discloses the use of a PDC to serve as a data storage device on which patients carry a copy of their own medical record. The PDC is not a “server” as presently claimed, because the PDC is not, “a computer network shared by multiple users.” McGauley, in fact, boasts a system with decentralized data storage and transfer, in direct contrast to the presently claimed centralized record server. McGauley states, “One of the key concepts of this invention is the establishment of a network of truly independent databases, which are connected by ‘virtual’ communication systems and are automatically modified and kept current without accessing a masterfile.” (McGauley, column 4, lines 57-61.)

Accordingly, Applicants submit that independent claims 1 and 17, and those claims dependant therefrom, are novel and unobvious over McGauley and respectfully request reconsideration and withdrawal of the rejection.

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Page 5 of 5

Rejections Under 35 U.S.C. § 103

Reconsideration is requested of the rejection of claims 9, 10, 19, and 20 under 35 U.S.C. § 103 as defining subject matter that allegedly would have been obvious over McGauley in further view of U.S. Patent No. 6,148,342 to Ho and U.S. Patent No. 6,272,468 to Melrose.

Each of these claims depends either directly or indirectly from independent claims 1 and 17, and includes the same limitations discussed above. Neither Ho nor Melrose cure the deficiencies of McGauley. As such, Applicants submit that the rejections under 35 U.S.C. § 103 are traversed and withdrawal is respectfully requested.

Conclusion

Applicants submit that all of the claims are in condition for allowance and request the application proceed to grant. If the Examiner has any questions please contact the undersigned attorney.

Respectfully submitted,



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